

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

---

CONVERGEN ENERGY LLC, et al.,

Plaintiffs,

v.

CASE NO.: 1:20-CV-03746 (LJL)

STEVEN J. BROOKS, et al.,

Defendants.

---

**DECLARATION OF BRIAN R. MIKKELSON**

---

Brian R. Mikkelsen makes the following declaration under penalty of perjury.

1. I am the controller of Convergen Energy WI, LLC (“CEW”). I based this Declaration on personal knowledge, and submit it in opposition to Plaintiffs’ (the “Libra Group’s”) Motion for a Preliminary Injunction.

2. I am a certified public accountant. While I was employed by Plaintiff Convergen Energy, I was in part responsible for the audit of Convergen Energy LLC. As part of that role, I customarily received correspondence regarding debts and loans incurred by Libra and its related and subsidiary entities. As a certified public accountant, I have a high duty to assure that audits are accurate and complete.

3. After the closing of the sale of CEW to Niantic, I continued to provide services to Convergen Energy LLC pursuant to the Acquisition Agreement, as well as additional instructions beyond the scope of the Acquisition Agreement by Libra’s General Counsel, Bert Diaz and Convergen Energy’s President, Camilo Patrignani.

4. In May of 2020, I received a letter from the NYCEEC regarding a debt owed by Libra, of the type that would normally be shared with Libra’s auditors. I assume it was sent to me

under the mistaken belief that I was still employed by Convergen Energy. I forwarded the letter to Libra's auditors without any further comment.

5. It was not my intent to harm or otherwise interfere with Libra's business.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this 4th day of September, 2020.

A handwritten signature in black ink, appearing to read "Brian R. Mikkelsen", written over a horizontal line.

Brian R. Mikkelsen